

**ASSEMBLY BILL**

**No. 989**

---

**Introduced by Assembly Member Mitchell**  
(Coauthor: Senator Correa)

February 18, 2011

---

An act to amend Section 5847 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 989, as introduced, Mitchell. Mental health: children's services.

Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act may be amended by the Legislature only by a  $\frac{2}{3}$  vote of both houses and only so long as the amendment is consistent with and furthers the intent of the act. The Legislature may clarify procedures and terms of the act by majority vote.

Existing law requires each county mental health program to prepare and submit a 3-year plan that is required to be updated at least annually and approved by the department after review and comment by the Mental Health Services Oversight and Accountability Commission. Existing law requires the 3-year plan to include information on programs, including, but not limited to, programs for services to children, including transition age youth 16 to 25 years of age.

This bill would specifically include in the plan requirement transition age foster youth. Because this bill would require counties to include additional information in the 3-year plan, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5847 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5847. Integrated Plans for Prevention, Innovation, and System
- 4 of Care Services.
- 5 (a) It is the intent of the Legislature to streamline the approval
- 6 processes of the State Department of Mental Health and the Mental
- 7 Health Services Oversight and Accountability Commission of
- 8 programs developed pursuant to Sections 5891 and 5892.
- 9 (b) Each county mental health program shall prepare and submit
- 10 a three-year plan which shall be updated at least annually and
- 11 approved by the department after review and comment by the
- 12 Mental Health Services Oversight and Accountability Commission.
- 13 The plan and update shall include all of the following:
- 14 (1) A program for prevention and early intervention in
- 15 accordance with Part 3.6 (commencing with Section 5840).
- 16 (2) A program for services to children in accordance with Part
- 17 4 (commencing with Section 5850), to include a program pursuant
- 18 to Chapter 4 (commencing with Section 18250) of Part 6 of
- 19 Division 9 or provide substantial evidence that it is not feasible to
- 20 establish a wraparound program in that county.
- 21 (3) A program for services to adults and seniors in accordance
- 22 with Part 3 (commencing with Section 5800).
- 23 (4) A program for innovations in accordance with Part 3.2
- 24 (commencing with Section 5830).

1 (5) A program for technological needs and capital facilities  
2 needed to provide services pursuant to Part 3 (commencing with  
3 Section 5800), Part 3.6 (commencing with Section 5840), and Part  
4 4 (commencing with Section 5850). All plans for proposed facilities  
5 with restrictive settings shall demonstrate that the needs of the  
6 people to be served cannot be met in a less restrictive or more  
7 integrated setting.

8 (6) Identification of shortages in personnel to provide services  
9 pursuant to the above programs and the additional assistance  
10 needed from the education and training programs established  
11 pursuant to Part 3.1 (commencing with Section 5820).

12 (7) Establishment and maintenance of a prudent reserve to  
13 ensure the county program will continue to be able to serve  
14 children, adults, and seniors that it is currently serving pursuant  
15 to Part 3 (commencing with Section 5800), the Adult and Older  
16 Adult Mental Health System of Care Act, Part 3.6 (commencing  
17 with Section 5840), Prevention and Early Intervention Programs,  
18 and Part 4 (commencing with Section 5850), the Children's Mental  
19 Health Services Act, during years in which revenues for the Mental  
20 Health Services Fund are below recent averages adjusted by  
21 changes in the state population and the California Consumer Price  
22 Index.

23 (c) The State Department of Mental Health shall not issue  
24 guidelines for the Integrated Plans for Prevention, Innovation, and  
25 System of Care Services before January 1, 2012.

26 (d) The department's review and approval of the programs  
27 specified in paragraphs (1) and (4) of subdivision (b) shall be  
28 limited to ensuring the consistency of these programs with the  
29 other portions of the plan and providing review and comment to  
30 the Mental Health Services Oversight and Accountability  
31 Commission. As part of its review, the department shall inform  
32 the Department of Veterans Affairs of county plans that have  
33 outreach programs specifically for veterans or that provide services  
34 specifically for veterans.

35 (e) The programs established pursuant to paragraphs (2) and  
36 (3) of subdivision (b) shall include services to address the needs  
37 of transition age youth ages 16 to 25, *including transition age*  
38 *foster youth*.

39 (f) Each year the State Department of Mental Health, in  
40 consultation with the California Mental Health Directors

1 Association, the Mental Health Services Oversight and  
2 Accountability Commission, and the Mental Health Planning  
3 Council, shall inform counties of the amounts of funds available  
4 for services to children pursuant to Part 4 (commencing with  
5 Section 5850), and to adults and seniors pursuant to Part 3  
6 (commencing with Section 5800). Each county mental health  
7 program shall prepare expenditure plans pursuant to Part 3  
8 (commencing with Section 5800), and Part 4 (commencing with  
9 Section 5850), and updates to the plans developed pursuant to this  
10 section. Each expenditure update shall indicate the number of  
11 children, adults, and seniors to be served pursuant to Part 3  
12 (commencing with Section 5800), and Part 4 (commencing with  
13 Section 5850), and the cost per person. The expenditure update  
14 shall include utilization of unspent funds allocated in the previous  
15 year and the proposed expenditure for the same purpose.

16 (g) (1) The department shall evaluate each proposed expenditure  
17 plan and determine the extent to which each county has the capacity  
18 to serve the proposed number of children, adults, and seniors  
19 pursuant to Part 3 (commencing with Section 5800), and Part 4  
20 (commencing with Section 5850); the extent to which there is an  
21 unmet need to serve that number of children, adults, and seniors;  
22 and determine the amount of available funds; and provide each  
23 county with an allocation from the funds available. The department  
24 shall give greater weight for a county or a population which has  
25 been significantly underserved for several years. The department  
26 shall approve, deny, or request information on a county expenditure  
27 plan or update no later than 60 days upon receipt.

28 (2) The department shall only evaluate those programs in a  
29 county expenditure plan or update that have not previously been  
30 approved or that have previously identified problems which have  
31 been conveyed to the county. The department shall distribute the  
32 funds for renewal of the previously approved programs contained  
33 in the county expenditure plan or update prior to approval of the  
34 county expenditure plan or update.

35 (h) A county mental health program shall include an allocation  
36 of funds from a reserve established pursuant to paragraph (6) of  
37 subdivision (b) for services pursuant to paragraphs (2) and (3) of  
38 subdivision (b) in years in which the allocation of funds for services  
39 pursuant to subdivision (e) are not adequate to continue to serve

1 the same number of individuals as the county had been serving in  
2 the previous fiscal year.

3 SEC. 2. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

O